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5 Attorneys for SALVADOR VILLANUEVA III,
JEANNETTE VILLANUEVA, AND
6 LISA CHOW

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8 **UNITED STATES BANKRUPTCY COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **LOS ANGELES DIVISION**
11

12 In re

13 DRIVEN DELIVERIES, INC.,
14 Debtor.
15

Case No. 2:22-bk-14416-DS

Chapter 7

16 **STIPULATION TO VACATE**
17 **EVIDENTIARY HEARING AND**
18 **CONTINUE HEARINGS ON MOTIONS**
19 **TO DISMISS**

20 Evidentiary Hearing:

Date: April 10, 2024

Time: 11:30 a.m.

Place: Courtroom 1639

255 E. Temple Street

Los Angeles, California 90012

22 Carolyn A. Dye, as Chapter 7 Trustee (the “Trustee”) in the above-entitled bankruptcy case
23 (the “Bankruptcy Case”), on the one hand, and Salvador Villanueva III, Jeannette Villanueva, and
24 Lisa Chow (collectively the “Movants”), on the other hand, through their respective counsel, agree
25 and stipulate to the following:
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RECITALS

A. On August 15, 2022, Driven Deliveries, Inc. (the “Debtor”) filed for the protection of the Bankruptcy Court under Chapter 7 of the Bankruptcy Code.

B. Carolyn A. Dye was subsequently appointed as the Chapter 7 trustee in the Bankruptcy Case.

C. On September 27, 2023, Plaintiff filed a Complaint (the “Complaint”) to avoid and recover certain prepetition transfers the Debtor allegedly made to Defendants. The action was assigned Adversary No. Adv. No. 2:23-ap-01431-DS (the “Adversary Action”).

D. On November 27, 2024, Defendants filed a Motion to Dismiss the Adversary Action.

E. A hearing was held on the Motion to Dismiss the Adversary Action on January 18, 2024. The hearing was ultimately continued to March 12, 2024.

F. On February 16, 2024, Defendants filed a Motion to Dismiss the Bankruptcy Case, which was also set for a hearing on March 12, 2024.

G. On March 12, 2024, a hearing was held on the Motion to Dismiss the Bankruptcy Case. Following the arguments of counsel, the Court scheduled an evidentiary hearing for April 10, 2024, at 11:30 a.m. The Court also continued the hearings on the two motions to dismiss and the status conference in the Adversary Action for April 10, 2024.

H. Following multiple discussions, the Trustee and Defendants have agreed to a settlement that will fully resolve the Trustee’s claims and result in dismissal in full of the Adversary Action. The parties are in the process of documenting the agreement and the Trustee expects to file a motion for approval of the settlement agreement shortly.

I. To allow the parties the opportunity to document their agreement and to avoid the costs of preparing for an evidentiary hearing that will likely be rendered unnecessary by the settlement, the Trustee and Defendants request that the Court vacate the evidentiary hearing currently set for April 10, 2024, and that it continue the hearings on the two motions to dismiss and the status conference in the Adversary Action by 60 days.

1 **NOW THEREFORE**, the Parties stipulate and agree as follows:

2
3 **STIPULATION**

- 4 1. The above recitals are incorporated herein by reference.
- 5 2. The evidentiary hearing scheduled for April 10, 2024, is to be vacated.
- 6 3. The hearing on the Motion to Dismiss the Adversary Action and related status
- 7 conference, as well as the hearing on the Motion to Dismiss the Bankruptcy Case is to be continued
- 8 by 60 days, to **June 12, 2024**, or another date selected by the Court.

9 **IT IS SO STIPULATED.**

10 DATED: March 21, 2024

DANNING, GILL, ISRAEL & KRASNOFF, LLP

11
12
13 By: /s/ Uzzi O. Raanan

14 UZZI O. RAANAN
15 Attorneys for Defendants
16 SALVADOR VILLANUEVA III, JEANNETTE
VILLANUEVA, AND LISA CHOW

17 DATED: March 21, 2024

DUMAS & KIM, APC

18
19
20 By: CHRISTIAN T. KIM

21 Attorneys for Plaintiff and Chapter 7 Trustee,
22 Carolyn A. Dye
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10 DATED: March 21, 2024

DANNING, GILL, ISRAEL & KRASNOFF, LLP

11 By: /s/ Uzzi O. Raanan

12 UZZI O. RAANAN

13 Attorneys for Defendants

14 SALVADOR VILLANUEVA III, JEANNETTE
15 VILLANUEVA, AND LISA CHOW
16

17 DATED: March 21, 2024

DUMAS & KIM, APC

18 By: 

19 CHRISTIAN T. KIM

20 Attorneys for Plaintiff and Chapter 7 Trustee,
21 Carolyn A. Dye
22
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 1901 Avenue of the Stars, Suite 450, Los Angeles, CA 90067-6006.

A true and correct copy of the foregoing document entitled (*specify*): STIPULATION TO VACATE EVIDENTIARY HEARING AND CONTINUE HEARINGS ON MOTIONS TO DISMISS will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (March 21, 2024) I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page.

2. SERVED BY UNITED STATES MAIL: On March 21, 2024, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Driven Deliveries Inc
145 E Prospect Ave Ste 202
Danville, CA 94526

☐ Service information continued on attached page.

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

March 21, 2024

Date

Beverly Lew

Printed Name

/s/ Beverly Lew

Signature

ADDITIONAL SERVICE INFORMATION (if needed):

1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (“NEF”)

Ryan Dahm on behalf of Interested Party Courtesy NEF rdahm@htalaw.com

James A Dumas, Jr on behalf of Trustee Carolyn A Dye (TR) jdumas@dumas-law.com,
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Carolyn A Dye (TR) trustee@cadye.com, c197@ecfcbis.com;atty@cadye.com

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Uzzi O Raanan, ESQ on behalf of Defendant BUDEE, INC., a California Corporation
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Uzzi O Raanan, ESQ on behalf of Defendant Jeannette Villanueva
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Uzzi O Raanan, ESQ on behalf of Defendant Lisa Chow
uraanan@DanningGill.com, DanningGill@gmail.com;uraanan@ecf.inforuptcy.com

Uzzi O Raanan, ESQ on behalf of Defendant Salvador Villanueva III
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Uzzi O Raanan, ESQ on behalf of Interested Party Jeannette Villanueva
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Uzzi O Raanan, ESQ on behalf of Interested Party Lisa Chow
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Uzzi O Raanan, ESQ on behalf of Interested Party Salvatore Villanueva, III
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Max J Sprecher on behalf of Creditor El segundo Enterprises LLC max@sprecherlaw.com

United States Trustee (LA) ustpregion16.la.ecf@usdoj.gov

Rolf S Woolner on behalf of Interested Party Stem Holdings, Inc.
rwoolner@sbcglobal.com, ecf_sf@winston.com;pacercourtfile@winston.com;rolf-woolner-7959@ecf.pacerpro.com

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.